

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JULY 6, 2004.

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
James C. Lee
Steven E. Nixon
Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
Valerie H. Lamb, Finance Director
John C. Egertson, Planning Director
Paul Howard, Director of Environmental Services
Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Mr. Chase presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mrs. Hansohn led the members and the audience in the Pledge of Allegiance to the flag.

RE: APPROVAL OF AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Bossio, County Administrator, asked that the following changes be made to the agenda:

Under **CONSENT AGENDA**, item d., change Federal funding from \$23,956 to **\$23,684** and change the local match from \$14,991 to **\$15,263**, for a difference of **\$272**; and

Under **CLOSED SESSION**, Add item #5, Under *Virginia Code* § 2.2-3711(A)(3) and (7) to discuss the disposition of publicly owned real property and related probable litigation where public discussion of such matters would adversely affect the negotiating or litigation posture of the County.

Mr. Walker moved, seconded by Mr. Nixon, to accept the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: MINUTES

The minutes of the April 6, 2004 evening meeting and June 1, 2004 regular meetings were presented to the Board for approval.

Mr. Nixon moved, seconded by Mr. Lee, to approve the minutes as submitted.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

a. The Board will consider approving a budget amendment for the School System for an insurance reimbursement received due to damage of kitchen equipment at Floyd T. Binns School in the amount of \$91,000 and appropriate the funds into the School CIP Fund for soft costs related to the new interim classroom building.

b. The Board will consider approving a grant application for the Sheriff's Office from the Department of Criminal Justice Services for a TRIAD Grant in the amount of \$6,700 to purchase safety products (i.e., sensors, fire extinguishers, etc.) for senior citizens. Federal funds \$5,025.00 with a local match of \$1,675.00 from the Sheriff's Operating Budget.

c. The Board will consider accepting a grant for the Sheriff's Office from the Department of Criminal Justice (DCJS) in the amount of \$3,112 and appropriate funds in the amount of \$2,801. The funding will be used for law enforcement equipment, primarily laptops for the officers under the Universal Hiring Grant Program through a U.S. Homeland Security Grant. Federal funds of \$2,801 with a local match of \$311 from the Sheriff's Operating Budget.

d. The Board will consider accepting a grant for the Sheriff's Office from the Department of Criminal Justice Services for the continuation of grant funding for a School Resource Officer at the Culpeper Middle School in the amount \$38,947. Federal funds of ~~\$23,956~~ **\$23,684** with a local match of ~~\$14,994~~ **\$15,263 (difference of \$272)**.

e. The Board will consider accepting a grant for the Sheriff's Office from the Department of Criminal Justice Services for the continuation of grant funding for a School Resource Officer Program at Floyd T. Binns Middle School in the amount of \$38,947. Federal funds of \$29,210 with a local match of \$9,737.

f. The Board will consider accepting a grant for the Sheriff's Office from the Virginia Department of Criminal Justice Services, which received funding from the U.S. Department of Homeland Security and appropriate the funds in the amount of \$131,869. The funding will be used to purchase a mobile command center which was one of the items identified during the needs assessment prepared the County's Department of Emergency Services, Sheriff's Department and the Town Police Department for law enforcement terrorism prevention. No local funds required.

g. The Board will consider accepting a grant for the Department of Emergency Services from the Virginia Department of Emergency Management, which received funding from the U. S. Department of Homeland Security in the amount of \$123,092.41. The funding will be used to provide equipment, training, planning and exercises for first responders to develop better preparedness to prevent, respond and recover from potential acts of terrorism. No local funds required.

h. The Board will consider approving a budget transfer for the payment of special counsel bills in the amount of \$40,600. This expense was incurred in connection with special counsel requirements for the Clevenger's Corner Project.

i. The Board will consider accepting a grant for the sheriff's Office from the Department of Criminal Justice Services and appropriate the funds in the amount of \$8,100 for a video conferencing system for the Culpeper County Jail. Federal funding in the amount of \$6,075 with a local match of \$2,025 from the Sheriff's Operating Budget.

j. The Board will consider accepting a grant for the Sheriff's Office from the Virginia Tobacco Settlement Foundation and a budget amendment in the amount of \$54,760. No local funding required.

k. The Board will consider a motion to ratify the advertising procedures regarding the proposed ordinance amendment to Chapter 7 (Elections) to create a Central Voting Precinct for all absentee ballots at the Office of the Registrar.

l. The Board will consider approving a Resolution of Appreciation in Honor of Marian (Meg) E. Crosby's retirement.

m. The Board will consider accepting a grant from the Virginia Department of Health and appropriate the funding for the Sheriff's Office in the amount of \$2,500 to be used for 1000 gunlocks for public distribution and reimbursement for advertising and education related to gun safety. No local funds required.

- n. The Board will consider a motion to ratify the effective date of the tipping fee to be changed from July 1, 2004 to August 1, 2004.
- o. The Board will consider a resolution for the Virginia Juvenile Community Crime Control Act (VJCCCA) local plan.
- p. The Board will consider a Resolution of Appreciation in Honor of Laurence (Larry) Brakowiecki's retirement.
- q. The Board will consider approving a grant application for the Department of Criminal Justice Services from the Department of Criminal Justice Services for an upcoming grant for a new Probation Officer position.

Mr. Chase moved, seconded by Mrs. Hansohn, to approve the Consent Agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

SPECIAL PRESENTATIONS

RE: RESOLUTIONS OF APPRECIATION

Mr. Coates stated that the Board would honor two employees: Meg Crosby who had worked in the Building Official's Office for 16 years, and Larry Brakowiecki who had worked in the Sheriff's Office for nine years.

Mr. Coates asked Ms. Crosby to come forward, and Mr. Bossio read the following resolution into the record:

***Resolution of Appreciation to Honor
MARIAN EARLINE CROSBY
On the
Occasion of her Retirement***

WHEREAS, Marian (Meg) E. Crosby has elected to retire this year following sixteen years of true and faithful service to the citizens of Culpeper County and the Building Official's Office; and

WHEREAS, Meg began her career in January of 1988 with Culpeper County as a Communications Operator with the Sheriff's Office, and in December of 1988 she transferred to the County staff as Building Official secretary, and in July 1998 she was promoted to Building Inspections Technician where she held that position until her retirement; and

WHEREAS, her service and devotion to the duties of public service have earned her the respect and trust of her fellow workers, the building industry, and citizens of Culpeper County; and

WHEREAS, for all these things the citizens and staff of Culpeper County are indeed grateful and appreciative, and it being the sense of the Culpeper County Board of Supervisors that upon her retirement from service in the Building Official's Office that Meg's achievements and standards should be commemorated by this

resolution; and

A

WHEREAS, the Board of Supervisors extends the appreciation and gratitude for all the citizens of Culpeper for her dedication as a public servant and for her exemplary service to this community through these many years; and

NOW, THEREFORE, BE IT RESOLVED, that the Culpeper County Board of Supervisors extends its gratitude and thanks for a job “well and faithfully done”; and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Culpeper County Board of Supervisors, staff and the citizens of Culpeper County wishes Meg and her family best wishes in her retirement and in all of their future endeavors.

Done this 6th day of July 2004.

By: William C. Chase, Jr., Stevensburg
Sue D. Hansohn, Catalpa District
James C. Lee, Cedar Mountain District
Steven E. Nixon, West Fairfax District
Brad C. Rosenberger, Jefferson District
Steven L. Walker, East Fairfax District

/s/ John F. Coates
John F. Coates, Chairman
Culpeper County Board of Supervisors
Salem District

ATTEST:

Frank T. Bossio, Clerk of the Board

Mr. Coates thanked Ms. Crosby on behalf of the Board and the County for her service to the County and wished her the very best in the future.

In the absence of Sheriff Hart, Mr. Coates asked Captains Jim Branch and Russell Lane to accompany Mr. Brakowiecki, and Mr. Bossio read the following resolution into the record:

***Resolution of Appreciation to Honor
LAURENCE “LARRY” R. BRAKOWIECKI
On the
Occasion of his Retirement***

WHEREAS, the County of Culpeper has been pleased and fortunate to have had the services of Laurence “Larry” R. Brakowiecki, better known as “Mr. B.”; and

WHEREAS, he served as the Senior Administrative Assistant to the Sheriff of Culpeper County from April 1, 1995 to July 31, 2004; and

WHEREAS, his position was the senior civilian position in the Sheriff’s Office and his service and devotion to the duties of public service earned him the respect and trust of the employees and the citizens of Culpeper County; and

WHEREAS, he had the honor to serve under Sheriff Robert E. Peters, Sheriff Roger W. Mitchell, Sr., and Sheriff H. Lee Hart; and

WHEREAS, this country had the honor of his services for a distinguished career in the United States Marine Corps rising from the ranks of an enlisted person to that of an officer retiring as 1st Lieutenant; and

WHEREAS, the School Board had the honor of his services as Clerk of the Works for the construction of the A. G. Richardson School, and the renovations at Farmington Elementary School, Sycamore Park Elementary School and Pearl Sample Elementary School; and

WHEREAS, for all these things the citizens and staff of Culpeper County are indeed grateful and appreciative, and it being the sense of the Culpeper County Board of Supervisors that upon his retirement from the Sheriff's Office that Larry's achievements and standards should be commemorated by this resolution; and

NOW, THEREFORE, BE IT RESOLVED that the **CULPEPER COUNTY BOARD OF SUPERVISORS** extends its deep appreciation and gratitude to Larry R. Brakowiecki for his dedication as a public servant and his exemplary service to this community; and

BE IT FURTHER RESOLVED that the best wishes of the Board of Supervisors, staff and the citizens of Culpeper County wishes Larry and his family best wishes in his retirement and in all their future endeavors.

Done this 6th day of July 2004

By: William C. Chase, Jr., Stevensburg
Sue D. Hansohn, Catalpa District
James C. Lee, Cedar Mountain District
Steven E. Nixon, West Fairfax District
Brad C. Rosenberger, Jefferson District
Steven L. Walker, East Fairfax District

/s/ John F. Coates
John F. Coates, Chairman
Culpeper County Board of Supervisors
Salem District

ATTEST:

Frank T. Bossio, Clerk of the Board

Mr. Coates noted that he was speaking on behalf of the Board of Supervisors and the Sheriff's Department in stating that Mr. Brakowiecki would be greatly missed, and he wished him the best in his future endeavors.

RE: SPECIAL PRESENTATION

Dianna Catron, Information Technology Department Director, thanked the Board for its support to the IT Department and the other offices and departments in the County. She asked Mr. Coates and E. Thomas Williams, Emergency Management Department Director, representing County staff, to come forward. Ms. Catron presented Mr. Coates with an engraved plaque. Mr. Williams expressed the County staff's appreciation for the endless hours expended by the County's elected officials and for their many achievements. Mr. Coates accepted the award and thanked Ms. Catron for the special luncheon being given for the Board.

Ms. Catron presented a Certificate of Excellence to each individual member of the Board.

No action required.

GENERAL COUNTY BUSINESS

RE: RESOLUTION FOR FINANCING OF THE NEW HIGH SCHOOL

Joe Daniel, representing the School Oversight Committee (SOC), asked the members of the SOC in the audience to stand and be recognized. He informed the Board that the Committee had worked hard to select an appropriate site for the new high school, and the Board had endorsed its recommendation. He stated that the Board had also endorsed the Committee's recommendation for an architect, and the Committee was now before the Board to discuss the best way to fund the facility.

Michael Armm, Funding Alternatives Subcommittee Chair, stated that the Subcommittee had spent a considerable amount of time studying alternative ways to fund the major capital improvement for a new high school. He reviewed the Subcommittee's resolution which contained six concepts for funding: (1) Public-Private Education Facilities and Infrastructure Act of 2002, (2) Bank Qualified Tax Exempt Bonds, (3) Virginia Public School Authority Bonds, (4) General Obligation Bonds, (5) Lease Revenue Bonds/Certificates of Participation, and (6) Literary Loans. He stated that the Subcommittee was recommending that the School Board and Board of Supervisors borrow the maximum amount allowed (currently \$7.5 million) as a Commonwealth Literary Loan and the balance of the cost of the new high school to be funded using Lease Revenue Bonds/Certificates of Participation.

Mr. Armm thanked Mr. Bossio for his time in assisting the Subcommittee in studying the six options and thanked members of the Board who attended some of the sessions to hear presentations made by various individuals and organizations.

Mr. Armm explained that it was anticipated that the local Industrial Development Authority (IDA) would issue the bonds and, in theory, would be building the new high school, and the School Board and School Oversight Committee would be involved in the design and implementation over a period of time. The School Board and Board of Supervisors would pay off that bond over a period of approximately 20 years. He stated that the recommended method of funding would provide flexibility in the structure of the funding and would not require a public referendum.

Mr. Chase inquired whether the Committee participated in the selection process for the architect. Mr. Armm replied that there was a subcommittee within the SOC that was

invited to participate in the initial negotiations with the architect and the scope of the services.

Mr. Daniel stated that the Subcommittee heard from experts from McGuire Woods consulting, Troutman and Sanders, and Davenport and Company, the County's bond counsel. He said the SOC was comfortable with the recommendation, and he thanked the Board for its support.

Mr. Coates thanked Mr. Daniel and his and the Committee's work.

RE: CONSIDERATION OF A REQUEST TO ACT ON A MOTION BY THE SCHOOL BOARD

Mr. Bossio read into the record the following motion adopted at the School Board meeting on July 14, which Dr. David Cox, Superintendent of Schools, had forwarded to Mr. Coates:

Upon motion of Mrs. Hitchcock, seconded by Mrs. Jenkins, the Board voted to approve the contract with SHW, and to formally ask the Board of Supervisors to appropriate funding for the new high school, in the amount of the cost after competitive bidding of the contract, and to give consideration to this request at their monthly meeting on July 6. Motion adopted 7-0 by voice vote.

Mr. Bossio informed the Board that Dr. Cox had asked the Board to take action on the aforementioned motion at the July meeting. He said the motion addressed two things: (1) the approval of the contract with SHW and, even though it was not specifically stated, a request to fund the SHW contract; and (2) a formal request for the Board of Supervisors to appropriate funding for the new high school in the amount of the cost after competitive bidding. He pointed out that Virginia law required a public hearing to be held for any amount appropriated over \$500,000.

David Maddox, County Attorney, stated that information was still being collected and reviewed on a possible contract, and all of the information was not available at the present time. He said that available information had been submitted to the School Board and it was under review at the present time. He noted that the Board would also be in discussion regarding a contract.

Mr. Chase pointed out that the Board could not vote without a public hearing. Mr. Bossio agreed the School Board was asking for a vote, but the Board did not have the authority to vote on an appropriation without a prior public hearing. Mr. Maddox stated he

agreed with Mr. Chase that there was insufficient information for staff to make a recommendation to the Board regarding the contract.

Mr. Chase moved, seconded by Mrs. Hansohn, to postpone consideration of the School Board motion for 30 days.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW BUSINESS

RE: FARM MARKET SIGNAGE

Mr. Tommy O'Halloran, Chairman, Agricultural Resource Advisory Committee, provided the Board with background information regarding Governor Warner's interest in a proposal that might help Virginia farmers to increase their sales. He stated that a group had been established under the Farmers Direct Marketing Association to develop criteria for the Tourist-Oriented Directional Signs (TODS) program. He said that after meetings held in April and May, a proposal had been developed and sent to VDOT's Mobility Management Engineer. He said the group was requesting signage similar to what Virginia wineries had displayed for a number of years which had been successful in locating and expanding their businesses. He said that the Agricultural Resource Advisory Committee was hoping that the area's farms could be included in the TODS program. He noted that support had been received from the Virginia AgriBusiness Council, Virginia Farm Bureau and other individual organizations, and he asked the Board to write a letter of support to the Commonwealth Transportation Board, with a copy to VDOT.

Mr. O'Halloran further informed the Board that details were being worked out, and the Council was trying to develop standardized logos to place in front of the farms' names to indicate the type of produce to be expected at the various locations. He said that instead of placing "closed" on top of the sign after the 12-weeks permitted for operation, they would ask that the days of operation be listed.

Mr. Coates asked if the signs would be similar to those signs along the road for the vineyards. Mr. Halloran stated that they would be, but instead of having individual signs, all of the farms within a 15-mile radius of a sign would be listed by location.

Mrs. Hansohn asked how new farms would be added after the signs had been installed. Mr. O'Halloran stated that he hoped there would be sufficient room at the bottom

of each sign to add additional farms when necessary. He said it was anticipated that a main sign would be on a primary road, with additional signs pointing to individual farms on side roads.

Mr. Nixon inquired whether VDOT would pay for the signs. Mr. O'Halloran replied that the fees would be charged to the individual farmers, but there would be a one-time \$100 application fee.

Mr. Walker moved, seconded by Mr. Chase, that a letter of support be sent to the Commonwealth Transportation Board.

Mr. Coates commended Mr. O'Halloran for his work in promoting agriculture, particularly with reference to the signage. Mr. Walker agreed it was a great way to promote agribusiness in Culpeper County. He expressed his concern that the pricing of the signs might preclude the participation of local farmers. Mr. Halloran agreed, but stated they were trying to get the program started and it could be refined later.

Mr. Walker asked whether the program would include the farmers' market. Mr. O'Halloran stated the signs were under the TODS program, and he was not sure how the farm market would be affected.

Mr. Rosenberger suggested that the motion to send a letter of support include a request to reconsider the fee structure for the signage.

Mr. Walker and Mr. Chase accepted the amendment to the motion.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Coates recessed the meeting at 10:45 a.m.

Mr. Coates called the meeting back to order at 11:00 a.m.

COMMITTEE REPORTS

RULES COMMITTEE/THURSDAY, JUNE 3, 2004/9:00 A.M.

Mr. Walker thanked the staff for the Certificate of Excellence and stated it was a thoughtful gesture by the staff.

Mr. Walker reported that the Rules Committee met and had several items requiring Board action, but the item regarding the Central Absentee Voter Precinct had been taken care of during the Consent Agenda. He said that two motions were made to move forward to the full Board consideration of an ordinance to amend Zoning Article 22-1-2(A) on

calculating 12-month application limitation and Section 22-1-2(B) on time limitation on filing application after withdrawal. He said that the County Attorney felt that the items should be forwarded to the Planning Commission for review and recommended that they be advertised for public hearing at the next Planning Commission meeting.

Mr. Walker moved, seconded by Mr. Lee, to advertise Zoning Articles 22-1-2(A) and 22-1-2(B) for public hearing before the Planning Commission.

Mrs. Hansohn asked for an overview of what the ordinance covered.

Mr. Maddox explained the Article 22-1-2-(A) took a State statutory procedure that the Board had always followed and made it part of the County's Zoning Ordinance. He said that when the Board disapproved a zoning request, the applicant could not refile under State statute for one year. He stated that Article 22-1-2(B) would place a time limitation on filing an application after it had been withdrawal. He said that at present there was no limitation on that procedure, and the applicant could return the next day after withdrawing an application and pay the filing fee and refile. He stated that staff had consulted with other jurisdictions and several of them had a six-month waiting period, and the Rules Committee was recommending a six-month limitation for Culpeper County.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Mr. Walker suggested that Board members review the Rules Committee minutes, particularly the items on the proration of personal property tax and an early reassessment. He stated that the Committee would welcome any input from Board members on these issues.

See Attachment #1 for details of meeting.

E-9-1-1 BOARD OF DIRECTORS/TUESDAY, JUNE 17, 2004/7:30 A.M.

Mrs. Hansohn reported that the E-9-1-1 Board met, but there were no action items to bring forward.

See Attachment #2 for details of meeting.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met, but there were no action items to be forwarded to the full Board. He thanked the Board for its participation in the successful grand opening ceremony at the Airport.

ADMINISTRATOR'S REPORT

Mr. Bossio presented the following Administrator's Report:

1. The Board's work session with the Planning Commission has been scheduled for July 29th to be held at the former Omni Building, with lunch to follow at Lowe's.
2. The Brandy Station Parade starts at 6:30 p.m., on July 29th.

CLOSED SESSION

Mr. Walker moved that the Board enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) Prospective reappointments to the Library Board for the Salem District and Catalpa District; (B) Prospective appointment to the to the Agricultural Resource Advisory Committee; (C) Prospective appointment to the Workforce Investment Board (WIB); (D) Consideration of appointment to the Rappahannock Emergency Medical Services Council, Inc.; and (E) Consideration of resignation from Parks & Recreation Advisory Committee by nonattendance.
2. Under *Virginia Code* § 2.2-3711(A)(3), to discuss consideration of the disposition of publicly held real property.
3. Under *Virginia Code* § 2.2-3711(A)(3), to discuss consideration of the acquisition of real property for a public purpose.
4. Under *Virginia Code* § 2.2-3711(A)(3) and (30), for the purpose of discussing with the County Attorney the potential disposition of publicly owned real property and the negotiation of related contracts where disclosure of such topics in open session would adversely affect the County's positions in these transactions.
5. Under *Virginia Code* § 2.2-3711(A)(3) and (7) to discuss the disposition of publicly owned real property and related probable litigation where public discussion of such matters would adversely affect the negotiating or litigation posture of the County.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Nay - Chase

Motion carried 6 to 1.

The Board entered into closed session at 11:10 am.

The Board returned to open session at 12:25 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Ayes – Chase, Walker, Lee, Coates, Nixon, Rosenberger, Hansohn

RE: REAPPOINTMENTS TO THE LIBRARY BOARD

Mr. Walker moved, seconded by Mrs. Hansohn, that Barbara L. Weber and Donna L. O'Halloran be reappointed to serve on the Library Board.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Chase

Motion carried 7 to 0.

RE: APPOINTMENT TO THE WORKFORCE INVESTMENT BOARD

Mr. Walker moved, seconded by Mrs. Hansohn, to appoint Ramon A. Serrato to serve on the Workforce Investment Board.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Chase

Motion carried 7 to 0.

RE: OMNI HANGAR AT THE AIRPORT

Mr. Walker moved, seconded by Mrs. Hansohn, to move forward with the acquisition of the lease remainder for the Omni Hangar at the Airport.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Chase

Motion carried 7 to 0.

RE: CO-LOCATION SPACE ON THE E-9-1-1 TOWERS

Mr. Walker moved, seconded by Mr. Nixon, to move forward and advertise for a public hearing for co-location leases with Virginia Boardband, Inc., Nextel and Cingular.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Chase

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved to adjourn at 12:25 p.m. Seconded by Mr. Nixon.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Chase

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: August 3, 2004
XX

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JULY 6, 2004.

Board Members Present: **John F. Coates, Chairman**
 Steven L. Walker, Vice-Chairman
 William C. Chase, Jr.
 Sue D. Hansohn
 James C. Lee
 Steven E. Nixon
 Brad C. Rosenberger

Staff Present: Frank T. Bossio, County Administrator
 J. David Maddox, County Attorney
 John C. Egertson, Planning Director
 Sam McLearen, Zoning Administrator
 Peggy S. Crane, Deputy Clerk

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 p.m.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

There were none, and Mr. Coates closed the public hearing.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mrs. Hansohn asked that the following item be added to the agenda: Under **PUBLIC HEARING**, Item 1a. Acceptance of the Funding Report from the School Oversight Committee.

Mr. Lee moved, seconded by Mr. Nixon, to approve the agenda as amended.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

PUBLIC HEARING

RE: THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING CHAPTER 7 (ELECTIONS) AND ADD SECTION 7.9 ENTITLED – “ESTABLISHMENT OF CENTRAL ABSENTEE VOTER PRECINCT”.

J. David Maddox, County Attorney, informed the Board that the purpose of the proposed ordinance was to adopt a statute recently enacted by the General Assembly. He explained that the process for handling absentee ballots had been to mail them to the Registrar's Office for distribution to each district for counting. He said under the proposed ordinance, a central office would be created in the Registrar's Office in order to count the absentee ballots in a timelier manner.

Mr. Coates asked Chuck Holmes, Electoral Board Secretary, whether he had any comments. Mr. Holmes indicated that the County Attorney had adequately explained the issue.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mr. Nixon, to approve the amendment to Chapter 7 (Elections).

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

RE: RECOMMENDATION BY SCHOOL OVERSIGHT COMMITTEE ON FUNDING ALTERNATIVES FOR THE NEW HIGH SCHOOL (Addition to the agenda).

Mr. Walker moved, seconded by Mrs. Hansohn, to accept the report of the School Oversight Committee presented to the Board at the morning session.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

OLD PLANNING COMMISSION BUSINESS

STONE RIDGE – 54-LOT SUBDIVISION. Request by Broadland Realty, LLC, for approval of a 54-lot subdivision. The property is located on Routes 29 and 718 in the Salem Magisterial District and contains 176.16 acres. Tax Map/Parcel No. 39/33 and 49/2.

Sam McLearen, Zoning Administrator, read a letter from Mike Stumpo, the applicant, to the Board requesting that the case be postponed for 30 days to allow Auburn Hills, LLC additional time to obtain Health Department approval of the drainfield.

John C. Egertson, Planning Director, stated that with the exception of the Health Department's approval, the subdivision was ready for the Board's consideration. He noted that there had been ongoing problems in accomplishing the necessary fieldwork, and staff was recommending that the case be postponed for an additional 30 days.

Aubrey Rozell, representing Broadland Realty, stated recent weather conditions had delayed having the field bush hogged in order to prepare the site for Health Department inspection. He felt that 30 days would be adequate time to complete the work and obtain the necessary approval.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Walker, to postpone the case for 30 days.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

NEW PLANNING COMMISSION BUSINESS

CASE NO. U-2054-04-1. Request by White Cross Neurology Center for Expanded Medicine, LLC, for approval of a use permit for a Physician's Office. The property is located on Route 603 in the Cedar Mountain Magisterial District and contains 1.41 acres. Tax Map/Parcel No. 49/53A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing were held. The Planning Commission found the application to be inconsistent with the Comprehensive Plan and detrimental to the public welfare and was recommending to the Board of Supervisors that the use permit be denied.

Mr. Egertson displayed a copy of a tax map, which highlighted the location of the White Shop property. He informed the Board that the request involved utilizing an existing dwelling on a 1.4 -acre parcel as a physician's office by Dr. Amy Traylor, the applicant. He said there could be several support staff employed at the site in addition to the physician, and the anticipated number of patients per day would be 15 or less.

Mr. Egertson explained that the property was zoned R-1 (Residential) and no rezoning had been requested. He noted that the proposed use was not a "by right" use in the R-1 zone and would require a use permit approved by this Board. He said that the Board, after considering the recommendation of the Planning Commission and after holding a public hearing, could approve the permit if it found: (1) The use was not in conflict with the purposes of the Comprehensive Plan, (2) the use would not adversely affect the health or safety of persons residing in the neighborhood, and (3) the use would not be detrimental to public welfare or injurious to property or improvements in the neighborhood.

Mr. Egertson stated that the proposal had been reviewed by the Health Department and no concerns had been identified. He further stated that the proposal had also been reviewed by VDOT, which recommended closure of the existing entrance and consolidation of the access to one location on parcel 53B. He indicated that Dr. Traylor planned to reside on parcel 53B, which was a 16.5-acre site adjacent to the subject property, and she had agreed to comply with VDOT's recommendations. He said that staff did not consider traffic to be of concern and felt that any additional traffic would be mitigated by the improved access to the site.

Mr. Egertson reported the staff review found the request to comply with the criteria set forth in Article 17, but suggested six potential conditions be imposed:

1. The hours of operation would be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m., with patient contact hours limited to Monday through Friday, 8:00 a.m. to 5:00 p.m., and no overnight patient care would be permitted;

2. Signage on the property would be subject to a design review by staff and limited to one sign of no more than 10 square feet;
3. Access to the site would be strictly limited in accordance with VDOT recommendations;
4. No more than 15 patients per day could be seen;
5. In addition to the primary physician, no more than three employees would be permitted on the site; and
6. In the event the applicant transferred or conveyed ownership of either parcel 53A or parcel 53B, the use permit would become void.

Mr. Egertson pointed out that the Planning Commission's recommendation was decidedly different from that of the staff. He said that the Commission cited noncompliance with the Comprehensive Plan, safety issues related to traffic, and adverse impacts to the neighborhood in its recommendation to the Board. He added that there had been strong neighborhood opposition expressed during the Commission's public hearing. He stated that the case had been advertised for public hearing, and it was ready for the Board's consideration.

C. Waverly Parker, attorney, informed the Board that he was representing Dr. Traylor, who was relocating to Culpeper from Fauquier County. He stated that Dr. Traylor was a Medical Doctor specializing in the treatment of neurological disorders, and she felt her office would have a minimal impact on the neighborhood. He confirmed that there would be no overnight or resident patients on site, and the office would not intrude upon the neighborhood. He said that the sign would be small for identification purposes only and Dr. Traylor planned to install a ramp in order to provide access for the handicapped. He said that the request was for a special use permit, and Dr. Traylor would be happy to accept the conditions noted. He stated that she would be seeing a maximum of 15 patients per day, but probably no more than 12, or one per hour for four hours a day and two per hour for four hours a day, which would generate approximately one vehicle per hour. He compared the traffic to that of a large family, but with no vehicles at night, and felt that the concerns regarding additional traffic were ill founded.

Mr. Parker stated that there was nothing in the County's Comprehensive Plan that would prohibit this use. He said the rural design specifically stated that rural areas would most likely contain a mixture of other uses, both existing and future. He also stated that the request was not in conflict with the Zoning Ordinance, which allowed conditional uses with no impact. He said he understood that there were concerns among the neighbors, but felt they were unproven.

Mr. Nixon questioned the reason Dr. Traylor wished to relocate in White Shop rather than closer to the hospital in Town. Dr. Parker replied that Dr. Traylor would be living next door to the proposed office, and she felt she could treat her patients more effectively in a quiet, rural

area.

Mr. Parker asked that if there were opposition to the request, he would like to speak again in response to that opposition.

Mr. Coates opened the public hearing and called for public comments.

Melissa Jenkins, Cedar Mountain District, stated she was opposed to the use permit and she distributed copies of petitions to the Board containing over 200 signatures gathered prior to the Planning Commission meeting and later. She indicated a color-coded tax map showing the location of the neighbors who opposed the request and asked those in attendance to stand to show their opposition to the use permit. She said that she had written a personal note to the Board, but wanted to summarize some of her points. She stated she had been a nurse for many years and had worked in several doctors' offices. She said she had asked several of her oncology patients whether they would prefer to be treated in another setting, but they all agreed it was not the best place to be. She said she had spoken to Dr. Traylor and would welcome her as a neighbor, but not as a business. She noted that Dr. Traylor had not applied for privileges at Culpeper Regional Hospital and planned to keep her affiliation with Fauquier Hospital, even though she stated she wished to serve this community.

Stephen Lewellyn, attorney, informed the Board that he represented Amanda and Robert Brown, residents of the White Shop area. He spoke at length and pointed out in detail the inconsistencies with the County's Comprehensive Plan as well as the Zoning Ordinance. He asked the Board to deny the use permit on the grounds that it was not consistent with the goal of the Comprehensive Plan to maintain the rural character of the County. He pointed out there was no indication that the proposed use would serve the residents of the district or the County.

He said the conditional uses permitted under the Zoning Ordinance did not list professional offices in the R-1 zoning and noted there was a distinction between a home office and a professional office. He pointed out that Article 17 of the Zoning Ordinance required that the use would not adversely affect the neighborhood, but the 150% increase in the number of trips in/out of the property would pose a risk to the community. He asked the Board to deny the request because it was not consistent with the Comprehensive Plan and was not a permitted use under the Zoning Ordinance.

Barbara Clatterbaugh, Cedar Mountain District, stated that she was a physical therapist and had been practicing more than 12 years treating neurological patients. She said she was against the establishment of a private medical practice in a residential area because it would not meet the needs of the community. She asked why Dr. Traylor had not applied for privileges at

Culpeper Regional Hospital if she wished to be a part of the community and wanted to attract new patients. She cited the risks to her patients of having her medical office so far away from the closest hospital. She noted the additional burden that would be placed on the doctors at the Culpeper Regional Hospital because the EMT's were required to transmit patients in an emergency to the nearest hospital, while Dr. Traylor maintained privileges at Fauquier Hospital.

Carol Sprouse, Cedar Mountain District, distributed photographs of the roads in the White Shop area. She expressed her concern for the safety of White Shop Road in particular, and that efforts to widen the road had failed because landowners would not donate right-of-way to VDOT. She explained the safety issues of the intersections in the various photographs and cited VDOT's regulations for sight distance. She urged the Board to deny the request based on the alignment of the roads.

Patsy Hudson, Cedar Mountain District, stated she had lived in White Shop for 36 years, but had recently placed her house on the market. She expressed her concern that property values would be affected by having a professional office in a residential neighborhood. She also expressed her concern that by approving the use permit, it would set a precedent for additional businesses to come into the residential area. She urged the Board to deny the request.

Perry Cabot, Concerned Culpeper Citizens, Inc., cited current criteria for health and safety. He noted that while there was no evidence of physically noxious or direct detriment to personal safety, personal injury and property damage would increase with the increased traffic. He discussed the public welfare for the neighborhood due to the hazard of the unique configuration of the intersection to unfamiliar drivers. He also discussed the inconsistency with the Comprehensive Plan that designated the area as residential with a broader agricultural zone. He said that a physician's office is not a listed condition for R-1 in the Zoning Ordinance, and hospitals and mental clinics are conditional uses for R-1 to serve the residents in that district, and this office would not serve patients in the neighborhood. He indicated that medical, professional and general offices appeared in the OC zone, generally on the outskirts of Town. He concluded by stating that whereas the Comprehensive Plan and the Code indicate the potential use for the general area at large, a balance of his analysis indicated this particular location, primarily due to unique road pattern and setting, did not sufficiently accommodate the statutory criteria for the requested use.

Diane McMichael stated she lived in Fauquier County and was a patient of Dr. Traylor's. She substantiated that Dr. Traylor saw only one patient per hour, and she did not believe that the home office would pose a threat to the community.

Virginia Cohn, Cedar Mountain District, stated she was opposed to the physician's office. She said that the intersection of Kirtley Trail Road, Merrimac Road, and White Shop Road was extremely dangerous and she urged the Board to deny the application.

Waverly Parker, speaking in rebuttal to the comments, stated that the Board should rely upon the experts at VDOT regarding the minimal impact of traffic, and not on anecdotal testimony of the community. He pointed out that the County staff was experts in enforcing the County's ordinances. He asked the Board to consider the evidence and apply the law to the facts before them.

With no further comments, Mr. Coates closed the public hearing.

Mr. Chase commented on his personal experience with neurologists, both in the service and as a retired civilian. He stated that it did not matter whether treatment was given in a rural or urban setting. He indicated that the mental health of the neighborhood should also be considered.

Mr. Chase moved, seconded by Mr. Lee, to accept the recommendation of the Planning Commission to deny the request.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

ADJOURNMENT

Mrs. Hansohn moved, seconded by Mr. Nixon, to adjourn at 7:59 p.m.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Lee, Nixon, Rosenberger, Walker

Motion carried 7 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio
Clerk of the Board

APPROVED: August 3, 2004